



Rep. Elaine Nekritz

**Filed: 3/3/2011**

09700HB3424ham001

LRB097 07437 JDS 51990 a

1 AMENDMENT TO HOUSE BILL 3424

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3424 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Electronic Products Recycling and Reuse Act  
5 is amended by changing Sections 5, 10, 20, 30, 55, 60, and 65  
6 as follows:

7 (415 ILCS 150/5)

8 Sec. 5. Findings and purpose.

9 (a) The General Assembly finds all of the following:

10 (1) Electronic products are the fastest growing  
11 portion of the solid waste stream. In 2007, 3,000,000 ~~2005,~~  
12 ~~2,600,000~~ tons of electronic products became obsolete yet  
13 only 14% ~~13%~~ of those products were recycled.

14 (2) Many electronic products contain lead, mercury,  
15 cadmium, hexavalent chromium, and other materials that  
16 pose environmental and health risks that must be managed.

1           (3) Many obsolete electronic products can be recycled  
2           or refurbished for reuse and then returned to the economic  
3           mainstream in the form of raw materials or products.

4           (4) Electronic products contain metals, plastics, and  
5           leaded glass that have resale value. The reuse of these  
6           components conserves natural resources and energy, and the  
7           reuse also reduces air and water pollution and greenhouse  
8           gas emissions.

9           (5) The A management of obsolete residential products  
10          is necessary to prioritize ~~place~~ the reuse and recycling of  
11          obsolete residential electronic products as the preferred  
12          management strategy over incineration and landfill  
13          disposal.

14          (6) The 2010 Recycling Economic Information Study  
15          Update for Illinois estimates that the total economic  
16          impact of recycling and reusing obsolete electronic  
17          products resulted in the creation of nearly 8,000 jobs and  
18          \$622 million in annual receipts. ~~The Illinois Recycling~~  
19          ~~Economic Information Study of 2001 estimates that the total~~  
20          ~~economic impact of establishing statewide recycling and~~  
21          ~~reuse programs for residential electronic products may~~  
22          ~~result in the creation of nearly 4,000 new jobs and \$740~~  
23          ~~million in annual receipts.~~

24          (7) The State-appointed Computer Equipment Disposal  
25          and Recycling Commission issued a final report in May 2006  
26          recommending legislative, regulatory, or other actions to

1 properly address the recycling and reuse of obsolete  
2 residential electronic products.

3 (b) The purpose of this Act is to set forth procedures by  
4 which the recycling and processing for reuse of covered  
5 electronic devices will be accomplished in Illinois.

6 (Source: P.A. 95-959, eff. 9-17-08.)

7 (415 ILCS 150/10)

8 Sec. 10. Definitions. As used in this Act:

9 "Agency" means the Environmental Protection Agency.

10 "Cathode-ray tube" means a vacuum tube or picture tube used  
11 to convert an electronic signal into a visual image, such as a  
12 television or computer monitor.

13 "Collector" means a person who receives covered electronic  
14 devices or eligible electronic devices directly from a  
15 residence for recycling or processing for reuse. "Collector"  
16 includes, but is not limited to, manufacturers, recyclers, and  
17 refurbishers who receive CEDs or EEDs directly from the public.

18 "Computer", often referred to as a "personal computer" or  
19 "PC", means a desktop or notebook computer as further defined  
20 below and used only in a residence, but does not mean an  
21 automated typewriter, electronic printer, mobile telephone,  
22 portable hand-held calculator, portable digital assistant  
23 (PDA), MP3 player, or other similar device. "Computer" does not  
24 include computer peripherals, commonly known as cables, mouse,  
25 or keyboard. "Computer" is further defined as either:

1           (1) "Desktop computer", which means an electronic,  
2 magnetic, optical, electrochemical, or other high-speed  
3 data processing device performing logical, arithmetic, or  
4 storage functions for general purpose needs that are met  
5 through interaction with a number of software programs  
6 contained therein, and that is not designed to exclusively  
7 perform a specific type of logical, arithmetic, or storage  
8 function or other limited or specialized application.  
9 Human interface with a desktop computer is achieved through  
10 a stand-alone keyboard, stand-alone monitor, or other  
11 display unit, and a stand-alone mouse or other pointing  
12 device, and is designed for a single user. A desktop  
13 computer has a main unit that is intended to be  
14 persistently located in a single location, often on a desk  
15 or on the floor. A desktop computer is not designed for  
16 portability and generally utilizes an external monitor,  
17 keyboard, and mouse with an external or internal power  
18 supply for a power source. Desktop computer does not  
19 include an automated typewriter or typesetter; or

20           (2) "Notebook computer", which means an electronic,  
21 magnetic, optical, electrochemical, or other high-speed  
22 data processing device performing logical, arithmetic, or  
23 storage functions for general purpose needs that are met  
24 through interaction with a number of software programs  
25 contained therein, and that is not designed to exclusively  
26 perform a specific type of logical, arithmetic, or storage

1 function or other limited or specialized application.  
2 Human interface with a notebook computer is achieved  
3 through a keyboard, video display greater than 4 inches in  
4 size, and mouse or other pointing device, all of which are  
5 contained within the construction of the unit that  
6 comprises the notebook computer; supplemental stand-alone  
7 interface devices typically can also be attached to the  
8 notebook computer. Notebook computers can use external,  
9 internal, or batteries for a power source. Notebook  
10 computer does not include a portable hand-held calculator,  
11 or a portable digital assistant or similar specialized  
12 device. A notebook computer has an incorporated video  
13 display greater than 4 inches in size and can be carried as  
14 one unit by an individual. A notebook computer is sometimes  
15 referred to as a laptop computer.

16 "Computer monitor" means an electronic device that is a  
17 cathode-ray tube or flat panel display primarily intended to  
18 display information from a computer and is used only in a  
19 residence.

20 "Covered electronic device" or "CED" means any computer,  
21 computer monitor, television, or printer that is taken out of  
22 service from a residence in this State regardless of purchase  
23 location. "Covered electronic device" does not include any of  
24 the following:

- 25 (1) an electronic device that is a part of a motor  
26 vehicle or any component part of a motor vehicle assembled

1 by or for a vehicle manufacturer or franchised dealer,  
2 including replacement parts for use in a motor vehicle;

3 (2) an electronic device that is functionally or  
4 physically part of a larger piece of equipment or that is  
5 taken out of service from an industrial, commercial  
6 (including retail), library checkout, traffic control,  
7 kiosk, security (other than household security),  
8 governmental, agricultural, or medical setting, including  
9 but not limited to diagnostic, monitoring, or control  
10 equipment; or

11 (3) an electronic device that is contained within a  
12 clothes washer, clothes dryer, refrigerator, refrigerator  
13 and freezer, microwave oven, conventional oven or range,  
14 dishwasher, room air conditioner, dehumidifier, water  
15 pump, sump pump, or air purifier.

16 To the extent allowed under federal and State laws and  
17 regulations, a CED that is being collected, recycled, or  
18 processed for reuse is not considered to be hazardous waste,  
19 household waste, solid waste, or special waste.

20 "Developmentally disabled", as defined by the Illinois  
21 Department of Human Services, Division of Developmental  
22 Disabilities Program Manual, means having mental retardation  
23 or a related condition. For the purposes of this Act:

24 (1) "Mental retardation" means significantly  
25 subaverage general intellectual functioning as well as  
26 deficits in adaptive behavior that manifested before age

1       22. A person's general intellectual functioning is  
2       significantly subaverage if that person has an  
3       intelligence quotient (IQ) of 70 or below on standardized  
4       measures of intelligence. This upper limit, however, may be  
5       extended upward depending on the reliability of the  
6       intelligence test used.

7       (2) "Related condition" means a severe, chronic  
8       disability that (i) is attributable to cerebral palsy,  
9       epilepsy, or any other condition, other than mental  
10       illness, (ii) is found to be closely related to mental  
11       retardation because the condition results in impairment of  
12       general intellectual functioning or adaptive behavior  
13       similar to that of a person with mental retardation, and  
14       (iii) requires treatment or services similar to those  
15       required for persons with mental retardation. ~~means having~~  
16       ~~a severe disability, as defined by the Office of~~  
17       ~~Rehabilitation Services of the Illinois Department of~~  
18       ~~Human Services, that can be expected to result in death or~~  
19       ~~that has lasted, or is expected to last, at least 12 months~~  
20       ~~and that prevents working at a "substantial gainful~~  
21       ~~activity" level.~~

22       "Dismantling" means the demanufacturing and shredding of a  
23       CED.

24       "Eligible electronic device" or "EED" means any of the  
25       following electronic products taken out of service from a  
26       residence in this State regardless of purchase location: mobile

1 telephone; computer cable, mouse, or keyboard; stand-alone  
2 facsimile machine; MP3 player; portable digital assistant  
3 (PDA); video game console, video cassette recorder/player,  
4 digital video disk player, or similar video device; zip drive;  
5 or scanner. To the extent allowed under federal and state laws  
6 and regulations, an EED that is being collected, recycled, or  
7 processed for reuse is not considered to be hazardous waste,  
8 household waste, solid waste, or special waste.

9 "Low income children and families" mean those children and  
10 families that are subject to the most recent version of the  
11 United States Department of Health and Human Services Federal  
12 Poverty Guidelines.

13 "Manufacturer" means a person, or a successor in interest  
14 to a person, under whose brand or label a CED is or was sold at  
15 retail. For CEDs sold at retail under a brand or label that is  
16 licensed from a person who is a mere brand owner and who does  
17 not sell or produce the CED, the person who produced the CED or  
18 his or her successor in interest is the manufacturer. For CEDs  
19 sold that were at retail under the brand or label of both the  
20 retail seller and the person that produced the CED, the person  
21 that produced the CED, or his or her successor in interest, is  
22 the manufacturer. A retail seller of CEDs may elect to be the  
23 manufacturer of one or more CEDs if the retail seller provides  
24 written notice to the Agency that it is accepting  
25 responsibility as the manufacturer of the CED under this Act  
26 and identifies the CEDs for which it is electing to be the

1 manufacturer.

2 "Municipal joint action agency" means a municipal joint  
3 action agency created under Section 3.2 of the  
4 Intergovernmental Cooperation Act.

5 "Orphan CEDs" means those CEDs that are returned for  
6 recycling, or processing for reuse, whose manufacturer cannot  
7 be identified, or whose manufacturer is no longer conducting  
8 business and has no successor in interest.

9 "Person" means any individual, partnership,  
10 co-partnership, firm, company, limited liability company,  
11 corporation, association, joint stock company, trust, estate,  
12 political subdivision, State agency, or any other legal entity,  
13 or a legal representative, agent, or assign of that entity.

14 "Printer" means desktop printers, multifunction printer  
15 copiers, and printer/fax combinations taken out of service from  
16 a residence that are designed to reside on a work surface, and  
17 include various print technologies, including without  
18 limitation laser and LED (electrographic), ink jet, dot matrix,  
19 thermal, and digital sublimation, and "multi-function" or  
20 "all-in-one" devices that perform different tasks, including  
21 without limitation copying, scanning, faxing, and printing.  
22 Printers do not include floor-standing printers, printers with  
23 optional floor stand, point of sale (POS) receipt printers,  
24 household printers such as a calculator with printing  
25 capabilities or label makers, or non-stand-alone printers that  
26 are embedded into products that are not CEDs.

1 "Processing for reuse" means any method, technique, or  
2 process by which CEDs or EEDs that would otherwise be disposed  
3 of or discarded are instead separated, processed, and returned  
4 to their original intended purposes or to other useful purposes  
5 as electronic devices. "Processing for reuse" includes the  
6 collection and transportation of CEDs or EEDs.

7 "Program Year" means a calendar year. The first program  
8 year is 2010.

9 "Recycler" means a person who engages in the recycling of  
10 CEDs or EEDs, but does not include telecommunications carriers,  
11 telecommunications manufacturers, or commercial mobile service  
12 providers with an existing recycling program.

13 "Recycling" means any method, technique, or process by  
14 which CEDs or EEDs that would otherwise be disposed of or  
15 discarded are instead collected, separated, or processed and  
16 are returned to the economic mainstream in the form of raw  
17 materials or products. "Recycling" includes the collection,  
18 transportation, dismantling, and shredding of the CEDs or EEDs.

19 "Refurbisher" means any person who processes CEDs or EEDs  
20 for reuse, but does not include telecommunications carriers,  
21 telecommunications manufacturers, or commercial mobile service  
22 providers with an existing recycling program.

23 "Residence" means a dwelling place or home in which one or  
24 more individuals live.

25 "Retailer" means a person who sells, rents, or leases,  
26 through sales outlets, catalogues, or the Internet, computers,

1 computer monitors, printers, or televisions at retail to  
2 individuals in this State. For purposes of this Act, sales to  
3 individuals at retail are considered to be sales for  
4 residential use. "Retailer" includes, but is not limited to,  
5 manufacturers who sell computers, computer monitors, printers,  
6 or televisions at retail directly to individuals in this State.

7 "Sale" means any retail transfer of title for consideration  
8 of title including, but not limited to, transactions conducted  
9 through sales outlets, catalogs, or the Internet or any other  
10 similar electronic means but does not mean financing or  
11 leasing.

12 "Television" means an electronic device (i) containing a  
13 cathode-ray tube or flat panel screen the size of which is  
14 greater than 4 inches when measured diagonally, (ii) that is  
15 intended to receive video programming via broadcast, cable, or  
16 satellite transmission or to receive video from surveillance or  
17 other similar cameras, and (iii) that is used only in a  
18 residence.

19 "Underserved counties" means those counties so identified  
20 in Section 60.

21 (Source: P.A. 95-959, eff. 9-17-08; 96-1154, eff. 7-21-10.)

22 (415 ILCS 150/20)

23 Sec. 20. Agency responsibilities.

24 (a) The Agency has the authority to monitor compliance with  
25 this Act, enforce violations of the Act by administrative

1 citation, and ~~to~~ refer violations of this Act to the Attorney  
2 General.

3 (b) No later than October 1 of each program year, the  
4 Agency shall post on its website a list of underserved counties  
5 in the State for the next program year. The list of underserved  
6 counties for program years 2010 and 2011 ~~the first program year~~  
7 is set forth in subsection (a) of Section 60.

8 (c) By July 1, 2009, the Agency shall implement a county  
9 and municipal government education campaign to inform those  
10 entities about this Act and the implications on solid waste  
11 collection in their localities. By January 15, 2012 and every  
12 January 15 thereafter, the Agency shall conduct a county and  
13 municipal education campaign to inform counties and  
14 municipalities about this Act and its implications on solid  
15 waste collection. By September 30, 2012 and every September  
16 30th thereafter, the Agency shall post on its website: (i) a  
17 list of the counties and municipalities contacted during the  
18 program year as a result of this subsection (c), (ii) the  
19 manner of contact, and (iii) the date of contact.

20 (c-5) By January 15, 2012 and every January 15 thereafter,  
21 the Agency must have, during the preceding 12 months, (i)  
22 produced a radio news story and a public service announcement  
23 about this Act and (ii) distributed the story and announcement  
24 statewide to public news services at least 2 times. Production  
25 and distribution costs associated with the story and  
26 announcement may be paid using a portion of the manufacturer,

1 recycler, and refurbisher registration fees. By September 30,  
2 2012 and every September 30th thereafter, the Agency shall post  
3 on its website: (i) the radio story and public service  
4 announcement distributed under this Act for that year, (ii) the  
5 identity of the public news services to which the story and  
6 announcement were distributed, and (ii) the date the radio  
7 story and announcement were distributed to those new services.

8 (c-6) By June 15, 2012 and December 15, 2012 and every June  
9 15 and December 15 thereafter, the Agency shall post on its  
10 website the number of retailers that were inspected by the  
11 Agency to ensure compliance with subsection (a) of Section 40.

12 (c-7) By December 15, 2012 and every December 15  
13 thereafter, the Agency shall post on its website: (i) the  
14 mailing address for each collector that collected CEDs during  
15 the program year and (ii) the quantity in pounds of each CED  
16 collected at the collection event or collection site during the  
17 program year.

18 (d) By July 1, 2011 for the first program year, and by  
19 January 31 ~~April 1~~ for all subsequent program years, the Agency  
20 shall report to the Governor and to the General Assembly  
21 annually on the previous program year's performance. The report  
22 must be posted on the Agency's website. The report must  
23 include, but not be limited to, the following:

24 (1) the total overall weight of CEDs, as well as the  
25 sub-total weight of computers, the sub-total weight of  
26 computer monitors, the sub-total weight of printers, the

1 sub-total weight of televisions, and the total weight of  
2 EEDs that were recycled or processed for reuse in the State  
3 during the program year, as reported by manufacturers and  
4 collectors under Sections 30 and 55;

5 (2) a listing of all collection sites as set forth  
6 under subsection (e) of Section 55;

7 (3) a statement showing the total weight of CEDs and  
8 EEDs collected, recycled, and processed for reuse by the  
9 manufacturers pursuant to Section 30, the total weight of  
10 CEDs and EEDs collected by the collectors pursuant to  
11 Section 55, ~~of the manufacturers' progress toward~~  
12 ~~achieving the statewide recycling goal set forth in Section~~  
13 ~~15 (calculated from the manufacturer reports pursuant to~~  
14 ~~Section 30 and the collector reports pursuant to Section~~  
15 ~~55)~~ and any identified State actions that may ~~help~~ expand  
16 collection opportunities to help manufacturers achieve the  
17 statewide recycling goal;

18 (4) a listing of all entities or persons to ~~any~~  
19 ~~manufacturers~~ whom the Agency issued an administrative  
20 citation or with respect to which the Agency made a  
21 referral for enforcement ~~referred~~ to the Attorney  
22 General's Office ~~for enforcement~~ as a result of a violation  
23 of this Act;

24 (5) a discussion of the Agency's education and outreach  
25 activities as set forth in subsections (c) and (c-5) of  
26 this Section; and

1 (6) a discussion of the penalties, if any, incurred by  
2 manufacturers for failure to achieve recycling goals, and a  
3 recommendation to the General Assembly of any necessary or  
4 appropriate changes to the manufacturers' ~~statewide~~  
5 ~~recycling goals, manufacturer's~~ recycling goals, or  
6 penalty provisions included in this Act.

7 (e) The Agency shall post on its website (1) a list of  
8 manufacturers that have paid the current year's registration  
9 fee as set forth in Section 30(b) and (2) a list of registered  
10 collectors to whom Illinois residents can bring CEDs and EEDs  
11 for recycling or processing for reuse. For each registered  
12 collector, the Agency shall also post the locations of the  
13 registered collector's collection sites; the URL for the  
14 collector's website; and the collector's business phone  
15 number, ~~including links to the collectors' websites and the~~  
16 ~~collectors' phone numbers.~~

17 (f) In program years 2012, 2013, and 2014, and at its  
18 discretion thereafter, the Agency shall convene and host an  
19 Electronic Products Recycling Conference. The Agency may host  
20 the conferences alone or with other public entities or with  
21 organizations associated with electronic products recycling.

22 (g) No later than October 1 of each program year, the  
23 Agency must post on its website the following information for  
24 the next program year:

25 (1) The overall statewide recycling and reuse goal for  
26 CEDs, as well as the sub-goals for televisions, and

1 computers, computer monitors, and printers as set forth in  
2 Section 15.

3 (2) The market shares of television manufacturers and  
4 the return shares of computer, computer monitor, and  
5 printer manufacturers, as set forth in Section 18~~.~~ and

6 (3) The individual recycling and reuse goals for each  
7 manufacturer, as set forth in Section 19.

8 (4) The individual recycling and reuse goals for each  
9 manufacturer, as set forth in subsection (c) of Section 15.

10 (5) The total statewide recycling goal for that program  
11 year, as determined by adding together each individual  
12 manufacturer's goal for that year.

13 (h) By April 1, 2011, and by April 1 of all subsequent  
14 years, the Agency shall recognize those manufacturers that have  
15 met or exceeded their recycling or reuse goals for the previous  
16 program year. Such recognition shall be the awarding to all  
17 such manufacturers of an Electronic Industry Recycling Award,  
18 which shall be recognized on the Agency website and other media  
19 as appropriate.

20 (i) By March 1, 2011, and by March 1 of each subsequent  
21 year, the Agency shall post on its website a list of registered  
22 manufacturers that have not met their annual recycling and  
23 reuse goal for the previous program year.

24 (j) By July 1, 2012, the Agency shall solicit written  
25 comments regarding all aspects of the program codified in this  
26 Act, for the purpose of determining if the program requires any

1 modifications.

2 (1) Issues to be reviewed by the Agency are, but not  
3 limited to, the following:

4 (A) Sufficiency of the annual statewide recycling  
5 goals.

6 (B) Fairness of the formulas used to determine  
7 individual manufacturer goals.

8 (C) Adequacy of, or the need for, continuation of  
9 the credits outlined in Section 30(d) (1) through (3).

10 (D) Any temporary recissions of county landfill  
11 bans granted by the Illinois Pollution Control Board  
12 pursuant to Section 95(e).

13 (E) Adequacy of, or the need for, the penalties  
14 listed in Section 80 of this Act, which are scheduled  
15 to take effect on January 1, 2013.

16 (F) Adequacy of the collection systems that have  
17 been implemented as a result of this Act, with a  
18 particular focus on promoting the most cost-effective  
19 and convenient collection system possible for Illinois  
20 residents.

21 (2) By July 1, 2012, the Agency shall complete its  
22 review of the written comments received, as well as its own  
23 reports on program years 2010 and 2011. By August 1, 2012,  
24 the Agency shall hold a public hearing to present its  
25 findings and solicit additional comments. All additional  
26 comments shall be submitted to the Agency in writing no

1 later than October 1, 2012.

2 (3) The Agency's final report, which shall be issued no  
3 later than February 1, 2013, shall be submitted to the  
4 Governor and the General Assembly and shall include  
5 specific recommendations for any necessary or appropriate  
6 modifications to the program.

7 (k) Any violation of this Act shall be enforceable by  
8 administrative citation. Whenever the Agency personnel or  
9 personnel of a unit of local government to which the Agency has  
10 delegated the authority to monitor compliance with this Act  
11 shall on the basis of direct observation determine that any  
12 person has violated any provision of this Act, the Agency or  
13 unit of local government may issue and serve an administrative  
14 citation upon that person or the entity employing the person  
15 within 60 days after the observed violation. Each citation  
16 shall be served upon the person named therein or the person's  
17 authorized agent for service of process and shall include the  
18 following:

19 (1) a statement specifying the provisions of this Act  
20 that the person or the entity employing the person has  
21 violated;

22 (2) a copy of the inspection report in which the Agency  
23 or local government recorded the violation and the date and  
24 time of the inspection;

25 (3) the penalty imposed under Section 80; and

26 (4) an affidavit by the personnel observing the

1 violation, attesting to their material actions and  
2 observations.

3 (l) If the person named in the administrative citation  
4 fails to petition the Pollution Control Board for review within  
5 35 days after the date of service, the Board shall adopt a  
6 final order, which shall include the administrative citation  
7 and findings of violation as alleged in the citation and shall  
8 impose the penalty specified in Section 80.

9 (m) If a petition for review is filed with the Board to  
10 contest an administrative citation issued under Section 80 of  
11 this Act, the Agency or unit of local government shall appear  
12 as a complainant at a hearing before the Board to be conducted  
13 pursuant to subsection (n) of this Section at a time not less  
14 than 21 days after notice of the hearing has been sent by the  
15 Board to the Agency or unit of local government and the person  
16 named in the citation. In such hearings, the burden of proof  
17 shall be on the Agency or unit of local government. If, based  
18 on the record, the Board finds that the alleged violation  
19 occurred, it shall adopt a final order, which shall include the  
20 administrative citation and findings of violation as alleged in  
21 the citation, and shall impose the penalty specified in Section  
22 80 of this Act. However, if the Board finds that the person  
23 appealing the citation has shown that the violation resulted  
24 from uncontrollable circumstances, the Board shall adopt a  
25 final order that makes no finding of violation and imposes no  
26 penalty.

1       (n) All hearings under this Act shall be held before a  
2 qualified hearing officer, who may be attended by one or more  
3 members of the Board, designated by the Chairman. All such  
4 hearings shall be open to the public, and any person may submit  
5 written statements to the Board in connection with the subject  
6 thereof. In addition, the Board may permit any person to offer  
7 oral testimony. Any party to a hearing under this subsection  
8 may be represented by counsel, make oral or written argument,  
9 offer testimony, cross examine witnesses, or take any  
10 combination of those actions. All testimony taken before the  
11 Board shall be recorded stenographically. The transcript so  
12 recorded and any additional matter accepted for the record  
13 shall be open to public inspection, and copies thereof shall be  
14 made available to any person upon payment of the actual cost of  
15 reproducing the original.

16 (Source: P.A. 95-959, eff. 9-17-08; 96-328, eff. 8-11-09.)

17 (415 ILCS 150/30)

18 Sec. 30. Manufacturer responsibilities.

19 (a) Prior to April 1, 2009 for the first program year, and  
20 by October 1 for program year 2011 and thereafter,  
21 manufacturers who offer ~~whose~~ computers, computer monitors,  
22 printers, or televisions for sale ~~are sold~~ in this State must  
23 register with the Agency. The registration must be submitted in  
24 the form and manner required by the Agency. The registration  
25 must include, without limitation, all of the following:

1 (1) a list of all of the manufacturer's brands of  
2 computers, computer monitors, printers, or televisions to  
3 be offered for sale in the next program year;

4 (2) for manufacturers of both televisions and  
5 computers, computer monitors, or printers, an  
6 identification of whether, for residential use, (i)  
7 televisions or (ii) computers, computer monitors, and  
8 printers, represent the larger number of units sold for the  
9 manufacturer; and

10 (3) a statement disclosing whether: ~~(A) any computer,~~  
11 ~~computer monitor, printer, or television sold in this State~~  
12 ~~exceeds the maximum concentration values established for~~  
13 ~~lead, mercury, cadmium, hexavalent chromium,~~  
14 ~~polybrominated biphenyls (PBBs), and polybrominated~~  
15 ~~diphenyl ethers (PBDEEs) under the RoHS (restricting the~~  
16 ~~use of certain hazardous substances in electrical and~~  
17 ~~electronic equipment) Directive 2002/95/EC of the European~~  
18 ~~Parliament and Council and any amendments thereto and, if~~  
19 ~~so, an identification of that computer, computer monitor,~~  
20 ~~printer, or television; or (B) the manufacturer has~~  
21 ~~received an exemption from one or more of those maximum~~  
22 ~~concentration values under the RoHS Directive that has been~~  
23 ~~approved and published by the European Commission.~~

24 If, during the program year, a manufacturer's computer,  
25 computer monitor, printer, or television is sold or offered for  
26 sale in Illinois under a new brand that is not listed in the

1 manufacturer's registration, then, within 30 days after the  
2 first sale or offer for sale under the new brand, the  
3 manufacturer must amend its registration to add the new brand.

4 (b) Prior to July 1, 2009 for the first program year, and  
5 by the November 1 preceding program years 2011 and later, all  
6 manufacturers whose computers, computer monitors, printers, or  
7 televisions are offered for sale ~~sold~~ in the State shall submit  
8 to the Agency, at an address prescribed by the Agency, the  
9 registration fee for the next program year. The registration  
10 fee for program years ~~year~~ 2010 and 2011 is \$5,000. In program  
11 year 2012, if, during the preceding program year, a  
12 manufacturer sold 250 or fewer computers, computer monitors,  
13 printers, and televisions in the State, then the registration  
14 fee for that manufacturer is \$1,250. In each program year after  
15 2012, if, in the preceding program year, a manufacturer sold  
16 250 or fewer computers, computer monitors, printers, and  
17 televisions in the State, then the registration fee for that  
18 manufacturer in that year is the fee that applied in the  
19 previous year to manufacturers that sold that number of items,  
20 increased by the applicable inflation factor as described  
21 below. In program year 2012, if, during the preceding program  
22 year, a manufacturer sold 251 or more computers, computer  
23 monitors, printers, and televisions in the State, then the  
24 registration fee for that manufacturer in that year is \$5,000.  
25 In each program year after 2012, if, in the preceding program  
26 year, a manufacturer sold 251 or more computers, computer

1 monitors, printers, and televisions in the State, then the  
2 registration fee for that manufacturer in that year is the fee  
3 that applied in the previous year to manufacturers that sold  
4 that number of items, increased by the applicable inflation  
5 factor as described below. For program years 2013 ~~2011~~ and  
6 later, the applicable registration fee is increased each year  
7 by an inflation factor determined by the annual Implicit Price  
8 Deflator for Gross National Product, as published by the U.S.  
9 Department of Commerce in its Survey of Current Business. The  
10 inflation factor must be calculated each year by dividing the  
11 latest published annual Implicit Price Deflator for Gross  
12 National Product by the annual Implicit Price Deflator for  
13 Gross National Product for the previous year. The inflation  
14 factor must be rounded to the nearest 1/100th, and the  
15 resulting registration fee must be rounded to the nearest whole  
16 dollar. No later than October 1 of each program year, the  
17 Agency shall post on its website the registration fee for the  
18 next program year.

19 (c) A manufacturer whose computers, computer monitors,  
20 printers, or televisions are first sold or offered for sale in  
21 this State on or after January 1 of a program year must  
22 register with the Agency within 30 days after the first sale in  
23 accordance with subsection (a) of this Section and submit the  
24 registration fee required under subsection (b) of this Section  
25 prior to the manufacturer's computers, computer monitors,  
26 printers, or televisions being sold or offered for sale.

1 (d) Each manufacturer shall recycle or process for reuse  
2 CEDs and EEDs whose total weight equals or exceeds the  
3 manufacturer's individual recycling and reuse goal set forth in  
4 Section 19 of this Act. Individual consumers may not be charged  
5 an end-of-life fee when bringing their CEDs and EEDs to  
6 ~~permanent or temporary~~ collection locations, unless a  
7 financial incentive of equal or greater value, such as a  
8 coupon, is provided. Individual consumers shall not be charged  
9 a fee for the destruction or sanitization of data on hard  
10 drives and other data storage devices. Collectors may charge a  
11 fee for premium services such as curbside collection, home  
12 pick-up, or a similar method of collection.

13 When determining whether a manufacturer has met or exceeded  
14 its individual recycling and reuse goal set forth in Section 19  
15 of this Act, all of the following adjustments must be made:

16 (1) The total weight of CEDs processed ~~for reuse~~ by the  
17 manufacturer, its recyclers, or its refurbishers for reuse  
18 is quadrupled ~~doubled~~.

19 (2) The total weight of CEDs is quadrupled ~~tripled~~ if  
20 they are donated for reuse by the manufacturer to a primary  
21 or secondary public education institution the majority of  
22 whose students are considered low income or  
23 developmentally disabled or to ~~a not-for-profit entity~~  
24 ~~that is established under Section 501(c)(3) of the Internal~~  
25 ~~Revenue Code of 1986 and whose principal mission is to~~  
26 ~~assist~~ low-income children or families or to assist the

1        developmentally disabled in Illinois. This subsection  
2        applies only to CEDs for which the manufacturer has  
3        received a written confirmation that the recipient has  
4        accepted the donation. Copies of all written confirmations  
5        must be submitted in the annual report required under  
6        Section 30.

7            (3) The total weight of CEDs collected by manufacturers  
8        free of charge in underserved counties is doubled. This  
9        subsection applies only to CEDs that are documented by  
10       collectors as being collected or received free of charge in  
11       underserved counties. This documentation must include,  
12       without limitation, the date and location of collection or  
13       receipt, the weight of the CEDs collected or received, and  
14       an acknowledgement by the collector that the CEDs were  
15       collected or received free of charge. Copies of the  
16       documentation must be submitted in the annual report  
17       required under subsection (h), (i), (j), (k), or (l) of  
18       Section 30.

19            (4) The total weight of CEDs will be tripled if they  
20        are collected, recycled, or refurbished for a manufacturer  
21        by a not-for-profit entity the majority of whose employees  
22        are developmentally disabled. A manufacturer that uses a  
23        not-for-profit recycler or refurbisher the majority of  
24        whose employees are developmentally disabled shall submit  
25        documentation in the annual report required under Section  
26        30 identifying the name, location, and length of service of

1       the entity that qualifies for credit under this subsection.

2       (e) Manufacturers of computers, computer monitors, or  
3 printers, either individually or collectively, shall hire an  
4 independent third-party auditor to perform statistically  
5 significant return share samples of CEDs received by recyclers  
6 and refurbishers for recycling or processing for reuse. Each  
7 third-party auditor shall perform a return share sample of CEDs  
8 for at least one 8-hour period, once a quarter during the  
9 program year at the facility of each registered recycler and  
10 refurbisher under contract with the manufacturer or group of  
11 manufacturers that has hired the auditor. The audit shall  
12 contain the following data:

13           (1) the number and weight of CEDs, sorted by brand name  
14 and product type, including a category for orphan CEDs;

15           (2) the total weight of the sample by product type;

16           (3) the date, location, and time of the sampling;

17           (4) the name or names of the manufacturer for whom the  
18 recycler is performing activities under this Act; and

19           (5) a certification by the third-party auditor that the  
20 sampling is statistically significant and, if not, an  
21 explanation as to what occurred to render the sampling  
22 insignificant.

23       The manufacturer shall notify the Agency 30 days prior to  
24 the third-party auditor's return share sampling by providing  
25 the Agency with the time and date on which the third-party  
26 auditor will perform the return share sample. The Agency may,

1 at its discretion, be present at any sampling event and may  
2 audit the methodology and the results of the third-party  
3 auditor.

4 No less than 30 days after the close of each calendar  
5 quarter, the manufacturer shall submit to the Agency the  
6 results of the third-party samplings conducted during the  
7 quarter. The results shall be submitted in the form and manner  
8 required by the Agency.

9 (f) Manufacturers shall ensure that only recyclers and  
10 refurbishers that have registered with the Agency are used to  
11 meet the individual recycling and reuse goals set forth in this  
12 Act.

13 (g) Manufacturers shall ensure that the recyclers and  
14 refurbishers used to meet the individual recycling and reuse  
15 goals set forth in this Act shall, at a minimum, comply with  
16 the standards set forth under subsection (d) of Section 50 of  
17 this Act. By November 1, 2011 and every November 1 thereafter,  
18 manufacturers shall submit a document, as prescribed by the  
19 Agency, listing each registered recycler and refurbisher that  
20 will be used to meet the manufacturer's annual CED recycling  
21 and reuse goal and certifying that those recyclers or  
22 refurbishers comply with the standards set forth in subsection  
23 (d) of Section 50.

24 (h) By August 15, 2009, television manufacturers shall  
25 submit to the Agency, in the form and manner required by the  
26 Agency, a report that contains the total weight of televisions

1 sold under each of the manufacturer's brands to individuals ~~at~~  
2 ~~retail~~ in this State, as set forth in the reports to  
3 manufacturers by retailers under subsection (c) of Section 40.

4 (i) No later than September 1, 2010, television  
5 manufacturers must submit to the Agency, in the form and manner  
6 required by the Agency, a report for the period January 1, 2010  
7 through June 30, 2010 that contains both of the following:

8 (1) The total weight of televisions sold under each of  
9 the manufacturer's brands to individuals at retail in this  
10 State, from one of the following 2 sources, with the  
11 manufacturer indicating in the report which of the 2 data  
12 sources was used, and, if a national sales data report was  
13 used, the name of the national sales data source:

14 (A) the manufacturer's own sales reports; or

15 (B) national sales data reports obtained by the  
16 manufacturer and pro-rated to Illinois by multiplying  
17 the weight of the manufacturer's televisions sold  
18 nationally by the quotient that results from dividing  
19 the population of Illinois by the population of the  
20 United States. The population of Illinois and the  
21 United States shall be obtained using the most recent  
22 U.S. census data.

23 (2) The total weight of computers, the total weight of  
24 computer monitors, the total weight of printers, the total  
25 weight of televisions, and the total weight of EEDs  
26 recycled or processed for reuse.

1           (j) By August 15, 2010, computer, computer monitor, and  
2 printer manufacturers shall submit to the Agency, on forms and  
3 in a format prescribed by the Agency, a report for the period  
4 January 1, 2010 through June 30, 2010 that contains the total  
5 weight of computers, the total weight of computer monitors, the  
6 total weight of printers, the total weight of televisions, and  
7 the total weight of EEDs, recycled or processed for reuse.

8           (k) No later than April 1 of program years 2011 and  
9 thereafter, television manufacturers shall submit to the  
10 Agency, in the form and manner required by the Agency, a report  
11 that contains all of the following information for the previous  
12 program year:

13           (1) The total weight of televisions sold under each of  
14 the manufacturer's brands to individuals at retail in this  
15 State, from one of the following 2 sources, with the  
16 manufacturer indicating in the report which of the two data  
17 sources was used, and, if a national sales data report was  
18 used, the name of the national sales data source:

19           (a) the manufacturer's own sales reports; or

20           (b) national sales data reports obtained by the  
21 manufacturer and pro-rated to Illinois by multiplying  
22 the weight of the manufacturer's televisions sold  
23 nationally by the quotient that results from dividing  
24 the population of Illinois by the population of the  
25 United States. The population of Illinois and the  
26 United States shall be obtained using the most recent

1 U.S. census data.

2 (2) The total weight of computers, the total weight of  
3 computer monitors, the total weight of printers, the total  
4 weight of televisions, and the total weight of EEDs  
5 recycled or processed for reuse.

6 (3) The identification of all weights that are adjusted  
7 under subsection (d) of this Section. For all weights  
8 adjusted under item (2) of subsection (d), the manufacturer  
9 must include copies of the written confirmation required  
10 under that subsection.

11 (4) A list of each recycler, refurbisher, and collector  
12 used by the manufacturer to fulfill the manufacturer's  
13 individual recycling and reuse goal set forth in Section 19  
14 of this Act.

15 (5) A summary of the manufacturer's consumer education  
16 program required under subsection (m) of this Section.

17 (1) On or before January 31, 2013 and on or before every  
18 January 31 ~~No later than April 1 of program years 2011 and~~  
19 ~~thereafter,~~ computer, computer monitor, ~~and~~ printer, and  
20 television manufacturers shall submit to the Agency, on forms  
21 and in a format prescribed by the Agency, a report that  
22 contains all of the following information for the previous  
23 program year:

24 (1) The ~~the~~ total weight of computers, the total weight  
25 of computer monitors, the total weight of printers, the  
26 total weight of televisions, and the total weight of EEDs

1 recycled or processed for reuse. ~~†~~

2 (2) The ~~the~~ identification of all weights that are  
3 adjusted under subsection (d) of this Section. For all  
4 weights adjusted under item (2) of subsection (d), the  
5 manufacturer must include copies of the written  
6 confirmation required under that subsection. ~~†~~

7 (3) A ~~a~~ list of each recycler, refurbisher, and  
8 collector used by the manufacturer to fulfill the  
9 manufacturer's individual recycling and reuse goal set  
10 forth in subsection (c) of Section 15 of this Act. ~~† and~~

11 (4) A ~~a~~ summary of the manufacturer's consumer  
12 education program required under subsection (m) of this  
13 Section.

14 (m) Manufacturers must develop and maintain a consumer  
15 education program that complements and corresponds to the  
16 primary retailer-driven campaign required under Section 40 of  
17 this Act. The education program shall promote the recycling of  
18 electronic products and proper end-of-life management of the  
19 products by consumers.

20 (n) Beginning January 1 2010, no manufacturer may sell a  
21 computer, computer monitor, printer, or television in this  
22 State unless the manufacturer is registered with the State as  
23 required under this Act, has paid the required registration  
24 fee, and is otherwise in compliance with the provisions of this  
25 Act.

26 (o) Beginning January 1, 2010, no manufacturer may sell a

1 computer, computer monitor, printer, or television in this  
2 State unless the manufacturer's brand name is permanently  
3 affixed to, and is readily visible on, the computer, computer  
4 monitor, printer, or television.

5 (Source: P.A. 95-959, eff. 9-17-08; 96-1154, eff. 7-21-10.)

6 (415 ILCS 150/55)

7 Sec. 55. Collector responsibilities.

8 (a) No later than January 1 of each program year,  
9 collectors that collect or receive CEDs or EEDs for one or more  
10 manufacturers, recyclers, or refurbishers shall register with  
11 the Agency. Registration must be in the form and manner  
12 required by the Agency and must include, without limitation,  
13 the address of each location where CEDs or EEDs are received  
14 and the identification of each location at which the collector  
15 accepts CEDs or EEDs from a residence.

16 (b) Manufacturers, recyclers, refurbishers also acting as  
17 collectors shall so indicate on their registration under  
18 Section 30 or 50 and not register separately as collectors.

19 (c) No later than August 15, 2010, collectors must submit  
20 to the Agency, on forms and in a format prescribed by the  
21 Agency, a report for the period from January 1, 2010 through  
22 June 30, 2010 that contains the following information: the  
23 total weight of computers, the total weight of computer  
24 monitors, the total weight of printers, the total weight of  
25 televisions, and the total weight of EEDs collected or received

1 for each manufacturer.

2 (d) By January 31 ~~No later than May 1~~ of each program year,  
3 collectors must submit to the Agency, on forms and in a format  
4 prescribed by the Agency, a report that contains the following  
5 information for the previous program year:

6 (1) The ~~the~~ total weight of computers, the total weight  
7 of computer monitors, the total weight of printers, the  
8 total weight of televisions, and the total weight of EEDs  
9 collected or received for each manufacturer during the  
10 previous program year.

11 (2) A ~~a~~ list of each recycler and refurbisher that  
12 received CEDs and EEDs from the collector and the total  
13 weight each recycler and refurbisher received.

14 (3) The ~~the~~ address of each collector's facility where  
15 the CEDs and EEDs were collected or received. Each facility  
16 address must include the county in which the facility is  
17 located.

18 (e) Collectors may accept no more than 10 CEDs or EEDs at  
19 one time from individual members of the public and, when  
20 scheduling collection events, shall provide no fewer than 30  
21 days' notice to the county waste agency of those events.

22 (Source: P.A. 95-959, eff. 9-17-08; 96-1154, eff. 7-21-10.)

23 (415 ILCS 150/60)

24 Sec. 60. Collection strategy for underserved counties.

25 (a) For program year 2010 and 2011, all counties in this

1 State except the following are considered underserved:  
2 Champaign, Clay, Clinton, Cook, DuPage, Fulton, Hancock,  
3 Henry, Jackson, Kane, Kendall, Knox, Lake, Livingston,  
4 Macoupin, McDonough, McHenry, McLean, Mercer, Peoria, Rock  
5 Island, St. Clair, Sangamon, Schuyler, Stevenson, Warren,  
6 Will, Williamson, and Winnebago.

7 (b) For program year 2012 and each program year thereafter,  
8 "underserved counties" means those counties within the State of  
9 Illinois with a population density of not more than than 190  
10 persons per square mile, based on the most recent U.S. Census  
11 data. For program years 2011 and later, underserved counties  
12 shall be counties in this State that, during the program year 2  
13 years prior, were not served by a minimum of one collection  
14 site that (i) accepted all types of CEDs and EEDs and (ii) was  
15 open for a minimum of 8 hours on at least one day per month of  
16 that program year. For the purposes of this subsection (b),  
17 2009 shall be considered to have been a program year, and for  
18 the program year 2012 the determination of whether a county is  
19 underserved shall be based on the criteria of this subsection  
20 (b) instead of the county's inclusion in the list set forth in  
21 subsection (a) of this Section.

22 (Source: P.A. 95-959, eff. 9-17-08.)

23 (415 ILCS 150/65)

24 Sec. 65. State government procurement.

25 (a) The Department of Central Management Services shall

1 ensure that all bid specifications and contracts for the  
2 purchase or lease of desktop computers, laptop or notebook  
3 computers, and computer monitors, by State agencies under a  
4 statewide master contract require that the electronic products  
5 have a Bronze performance tier or higher registration under the  
6 Electronic Product Environmental Assessment Tool ("EPEAT")  
7 operated by the Green Electronics Council.

8 (b) The Department of Central Management Services shall  
9 ensure that bid specifications and contracts for the purchase  
10 or lease of televisions and printers by State agencies under a  
11 statewide master contract require that the printers or  
12 televisions have a Bronze performance tier or higher  
13 registration under EPEAT if the Department determines that  
14 there are an adequate number of the televisions or printers  
15 registered under EPEAT to provide a sufficiently competitive  
16 bidding environment.

17 (c) This Section applies to bid specifications issued, and  
18 contracts entered into, on or after January 1, 2010.

19 (Source: P.A. 95-959, eff. 9-17-08; 96-1154, eff. 7-21-10.)

20 Section 99. Effective date. This Act takes effect upon  
21 becoming law."